

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DAVID MOSS,	)	CASE NO. 1:18CV2967
	)	
Petitioner,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
vs.	)	
	)	
BRIGHAM SLOAN, Warden,	)	MEMORANDUM OF
	)	OPINION AND ORDER
Respondent.	)	

**CHRISTOPHER A. BOYKO, J.:**

This matter is before on the court on Magistrate Judge Thomas M. Parker's Report and Recommendation (Doc. 18) to dismiss with prejudice Petitioner David Moss's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) because Petitioner passed away. Objections to the Report and Recommendation were due by July 6, 2020. However, because Petitioner is deceased, his copy of the Report and Recommendation was returned as "undeliverable." (Doc. 19). Accordingly, Petitioner has not objected to the Report and Recommendation.

Federal Rule of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within fourteen days after service. FED. R. CIV. P. 72(b)(2). Due to his death, Petitioner has not filed an objection. Any further review by this Court would be duplicative and an inefficient use of the Court's limited resources. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge and **DISMISSES** with prejudice Petitioner's Petition.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Since Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

**IT IS SO ORDERED.**

s/ Christopher A. Boyko  
**CHRISTOPHER A. BOYKO**  
Senior United States District Judge

**Dated: July 28, 2020**